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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,947	02/12/2002	Veronique Daurensan	Q68382	2250
7590	06/18/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			TRINH, SONNY	
			ART UNIT	PAPER NUMBER
			2685	4

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/072,947	DAURENSAN, VERONIQUE
	Examiner Sonny TRINH	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) 13 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/12/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding **claims 3 and 8**, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-6, 8-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al. ("Bell"; U.S. Patent Number 6,549,619).

Regarding **claims 1 and 10**, Bell discloses a method and apparatus of signaling an incoming call or electronic message from a given sender to the user of a receiver.

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terminal to whom said call or message is addressed (abstract, columns 1-2), in which method said receiver terminal performs the following steps:

identifying the sender (column 1 lines 53-61);

allowing for at least one changeable or predetermined parameter relating to said sender (columns 1-2); and

dynamically selecting at least one signaling mode and/or at least one signaling device available in said receiver terminal as a function of the state of said at least one parameter linked to the sender ("privilege caller", column 2).

Regarding **claim 2**, Bell further discloses that the dynamic selection step also allows for another parameter programmed the state of a parameter related to the environment of said receiver terminal (column 2 "establishing a list of privilege callers").

Regarding **claim 3**, Bell further discloses that for each new call or message, one changeable parameter relating to said sender that is allowed for corresponds to the number of earlier calls (columns 2-3, please see "repeated callers" in column 3).

Regarding **claim 4**, Bell further discloses that one changeable parameter relating to the sender that is allowed for in the case of an electronic message corresponds to the degree of importance attached to said message ("based on the area code of the caller" in column 3).

Regarding **claim 5**, Bell further discloses that the predetermined parameter relating to said sender that is allowed for corresponds to the identity of said sender ("list of privilege callers" column 2).

Regarding **claim 6**, Bell further teaches that the parameters programmed by said user of said receiver terminal are chosen from the group consisting of a specific degree of priority attached to different predefined senders (column 3).

Regarding **claims 8-9**, Bell further teaches that at least one signaling mode and/or at least one signaling device or a combination of signaling modes and/or devices are determined, possibly in conjunction with respective degrees of intensity of their use as well as analyzing the different types of parameters that are relevant (i.e. "repeated callers" column 3 lines 15-31).

Regarding **claim 11**, Bell further teaches a history file for storing automatically, for each call or message, the number or the address of said sender and either the number of successive calls or messages sent by each of said senders which the user of the telecommunication terminal has not answered, said history file being updated automatically on each new call or message by incrementing the variable indicating the number of unanswered previous calls or messages from said sender, by activating an indicator that the sender concerned is awaiting a response (columns 2-3).

Regarding **claim 12**, Bell further teaches that the dynamic selector module is adapted, after allowing for said number or said address of said sender, to read the value of said variable or the state of said indicator assigned to said sender, said information constituting a first changeable parameter relating to said sender (i.e. "the number of calls received by the same caller", see column 3, specifically lines 15-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. ("Bell"; U.S. Patent Number 6,549,619) in view of Miyashita ("Miyashita"; U.S. Patent Number 6,226,539).

Regarding **claim 7**, Bell discloses the invention but does not explicitly disclose that the parameters that are associated with the environment or the status of said receiver terminal and are used to modify the mode of use of the selected signaling device.

In an analogous art, Miyashita teaches a method and device for changing the mode of a radio receiver from a vibrating mode to the alert tone mode when the radio is set on a charger (figures 4-5, column 1, 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the mobile system of Bell, the mode change, as taught by Miyashita, so that the call can be responded accordingly/intelligently depending on the environment of the receiver (easier to sell feature).

Allowable Subject Matter

4. **Claim 13** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 13**, the prior art provided numerous examples responses to a call based on the different setting conditions, but failed to disclose or fairly suggest the specific combination of structural and functional limitations set forth in claim 13, specifically, the telecommunication terminal further including a file for assigning degrees of priority or importance specific to given senders, a file for indicating and configuring said signaling device or devices as a function of values and/or states of parameters allowed for by said dynamic selector module, a file or a programmable variable indicating the current situation or status of said user, and a file containing parameters relating to the environment or to the status of said mobile terminal, said files and/or said variable being consulted, together with said history file, and their contents being used by said dynamic selector module to control said signaling means to generate a warning signal or message appropriate for said user.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 703-305-1961. The examiner can normally be reached on Monday-Thursday and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed URBAN can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNYTRINH
PRIMARY EXAMINER